

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
ILLINOIS

UNITED STATES OF AMERICA and the  
State of Illinois, ex rel. Alan J. Litwiler,  
Plaintiff,  
v.

OMNICARE, INC.,  
Defendant.

Honorable Robert M. Dow, Jr.

Civil Action No: 11-cv-8980

**STIPULATION OF DISMISSAL WITH PREJUDICE**

The present action was filed under the qui tam provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*, by Relator Alan J. Litwiler (“Relator”) against Omnicare, Inc. (“Defendant”) (collectively, the “Parties”). Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order dismissing with prejudice all claims asserted by Relator on behalf of the United States and the State of Illinois against the Defendant in this action; provided, however, that dismissal with respect to the United States and the State of Illinois shall be without prejudice. The United States and State of Illinois, which elected not to intervene in this action, have represented to the Parties that they consent to the dismissal of this action with prejudice as to the Relator, and without prejudice as to the United States and the State of Illinois. The Parties request that, pursuant to 31 U.S.C. § 3730(b)(1), the Court permit time for the United States and the State of Illinois to file their written consent to dismissal.

The parties respectfully request that, after the United States and State of Illinois file their written consent to the dismissal, the Court enter an order in the form of the proposed order being submitted today.

July 25, 2014

Respectfully submitted,

**ATTORNEYS FOR RELATOR**

**ATTORNEYS FOR DEFENDANTS**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of July 2014, I electronically filed the foregoing Stipulation of Dismissal with the Clerk of Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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